REMARKS

The Final Office Action of July 8, 2003, and the Response mailed August 4, 2003 to undersigned's "Letter of Inquiry" have been carefully reviewed. Entry of the above amendments and the enclosed terminal disclaimer documents, and re-examination, reconsideration, and allowance of claims 11 – 15 of the application are requested in view of the above amendments and the following remarks which dispose of all issues remaining in the application.

STATUS OF THE APPLICATION

The application, as filed, included eight (8) claims including four (4) independent claims.

No claims have been allowed.

Claims 3 – 4 and 16 have been canceled without prejudice.

Claim 11 has been amended.

No other claims have been amended.

No claims have been added.

Therefore, the application now includes five (5) claims (claims 11 – 15) including one (1) independent claim. No additional fee is required, as shown by the attached AMENDMENT AFTER FINAL TRANSMITTAL LETTER.

The amendments are supported by the application, claims and drawings as filed, and therefore do not constitute new matter.

STATUS OF CONTINUATION PATENT APPLICATION REQUEST

It is noted with appreciation that the request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), that was filed in this application after final rejection, has been found to be eligible for continued examination under 37 CFR 1.114, and the fee has been timely paid, whereby the finality of the previous Office action has been withdrawn.

STATUS OF ABSTRACT

The Abstract of the Disclosure has not been objected to, and it is therefore understood to be acceptable as filed.

STATUS OF THE DRAWINGS

The drawings have not been objected to, and are therefore understood to be acceptable and to support the claims as filed.

STATUS OF THE SPECIFICATION

The disclosure in the specification has not been objected to, and it is therefore understood to be acceptable as filed, and to support the claims as filed and the drawings as corrected.

STATUS OF CLAIM OBJECTIONS

The format of the claims has not been objected to, and the format is therefore understood to be in an acceptable format as filed.

SUMMARY OF THE INVENTION

The present invention relates to methods for the production of mixed alcohols including the steps of making and using a sulfided, nanosized transition metal catalyst selected from Group VI metals having a mean particle diameter of about 100 nm in a liquid slurry in with gases including carbon monoxide and hydrogen at a temperature in the range of about 250° C to about 325° C and at a pressure in the range of about 500 psig to about 3000 psig.

RESPONSE TO REJECTION FOR DOUBLE PATENTING

Claims 11-15 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,248,796 in view of Pirzada *et al* (USPN 5,851,507).

Without accepting this basis for rejection, and in order to avoid the time and expense of arguing this matter, a terminal disclaimer, without prejudice, in compliance with 37 CFR 1.321(c), is timely filed herewith as to claims 11 - 15. Allegedly conflicting U.S. Patent 6,248,796 is commonly owned with the present application, as shown by the Statement Under 37 CFR 1.130(b), true copy of the Assignment, both of which is enclosed herewith. Therefore, no

issue remains under the judicially created doctrine of nonstatutory double patenting, and that basis for rejection should be withdrawn, and the application disposed of by allowance as to claims 11 - 15.

RESPONSE TO REJECTION UNDER 35 U.S.C.§112

Claims 11 and 16 have been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Examiner has specifically indicated that the phrase "1 nm to about 100 nm" in claim 11, line 5, and claim 16, line 5 is considered to be new matter.

Rejection of claims 11 and 16 under 35 U.S.C. §112, first paragraph, have been avoided by amendment of claim 11 without prejudice from "1 nm to about 100 nm" to read – about 100 nm–. Examiner, in the Office Action, acknowledged that the application on page 3, line 20 of the specification, discloses that the selected metal is nanosized to a mean particle diameter of less than about 100 nm. Therefore the amended phrase -- about 100 nm --is supported by the application, and does not constitute new matter. Rejected claim 16 has been cancelled. Therefore, no issue remains under 35 USC §112, first paragraph , as to amended claim 11 and cancelled claim 16, and this basis for rejection should be withdrawn as to claim 11, and the application disposed of by allowance of claims 11 - 15.

STATUS OF REJECTIONS UNDER 35 USC §102(b)

No claims have been rejected under 35 U.S.C. §102(b). Therefore, no issue exists under 35 USC §102(b), and, as to that statute, the application should be disposed of by allowance of claims 11 - 15.

RESPONSE TO CLAIM REJECTIONS UNDER 35 USC § 103

Claims 3, 4, and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Boakye *et al* (American Chemical Society, Div. Fuel Chem. (1992), 37 (1), 298-305) in view of Pirzada *et al* (USPN 5,851,507).

Without accepting this basis for rejection, and in order to avoid the time and expense of arguing this matter, claims 3, 4, and 16 have been cancelled by the above amendment, without prejudice. Therefore, no issue remains under 35 USC § 103(a), and this basis for rejection should be withdrawn, and the application disposed of by allowance of claims 11 - 15.

PRIOR ART

No additional prior art has been made of record, and it is understood that no further discussion of any of the previously supplied or cited references is required.

CONCLUSION

In conclusion, it is believed that no issues remain and that the present application is now in condition for allowance.

Final Rejection of the claims 11-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,248,796 has been avoided by a terminal disclaimer, without prejudice, in compliance with 37 CFR 1.32 (c).. Therefore, no issue remains under the judicially created doctrine of nonstatutory double patenting, this basis for rejection should be withdrawn, and the application disposed of by allowance of claims 11 – 15, the only claims remaining in the application.

Final Rejection of the claims 11 and 16 under 35 U.S.C. § 112, first paragraph has been avoided by amendment and cancellation of those claims, respectively, without prejudice. Therefore, this basis for rejection should be withdrawn, and the application disposed of by allowance of claims 11 – 15, the only claims remaining in the application.

Final Rejection of the claims 3, 4, and 16 under 35 U.S.C. § 103(a) has been avoided by cancellation of those claims without prejudice. Therefore, this basis for rejection should be withdrawn, and the application disposed of by allowance as to claims 11 – 15, the only claims remaining in the application.

No other objections or rejections to the application have been made as to remaining claims 11 – 15. It is therefore requested that the above amendments be entered and that the application be reexamined, reconsidered, and allowed as to remaining claims 11 – 15.

Should any issues remain, it is requested that Examiner telephone undersigned so that we may dispose of this application.

Respectfully submitted,

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Enclosures
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on this date this correspondence is being transmitted by facsimile to 1-703/308-4556, and addressed to:

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January 8, 2004
Date